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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/714,838	11/16/2000	Michael Chase Murdock	SAR 13807	9640

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EXAMINER

LOWE, TREFFANEY R

ART UNIT

PAPER NUMBER

2697

DATE MAILED: 07/09/2003

*6*

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	Applicant(s)	
09/714,838	MURDOCK ET AL.	
Examiner	Art Unit	
TREFFANEY R LOWE	2697	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1) Responsive to communication(s) filed on 16 November 2000.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

4) Claim(s) 1-23 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-23 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

1) Notice of References Cited (PTO-892)                    4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)                    5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ .                    6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 2, 4-8, 11-15 and 17-23** rejected under 35 U.S.C. 103(a) as being unpatentable over Harper et al. (U.S. Patent 5,585,858), hereinafter referenced as Harper, in view of Anderson, Jr. et al. (U.S. Patent 6,226,794), hereinafter referenced as Anderson.

Regarding **claim 1**, Harper disclose a system for providing programming content in response to an audio signal (Abstract lines 1 and 14-16), Harper does not specifically disclose a network having a forward and back channel, transmitting an audio signal via the back channel and a remote server computer receiving the audio signal and recognizing the user and request for programming from said received multiplexed signal then transmitting program content via a forward channel. This is well known in the art however as taught by Anderson.

Anderson discloses where said audio signal and programming content are transmitted using a network having a forward and a back channel, the system comprising (Abstract lines 8-12).

Anderson further discloses a local processing unit [set top terminal] for receiving a first audio signal (request) from a first user, where said first audio signal contains a request for said programming content from a service provider, (col. 3, lines 22-25).

A remote server computer (service provider equipment) for receiving said first audio signal from the back channel (col. 3, lines 18-25), recognizing the first user and said request for said programming content from said received multiplexed signal, retrieving the request programming content from a program database (where the information channel is interpreted as providing the request for the service provider to look up and pass to the command channel), and transmitting said programming content to said local processing unit via the forward channel (col. 3, lines 18-22, where command channel is forward channel).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Harper's simulcast of interactive signals of the interactive program box with Anderson's set top terminal for interactive information to provide a local processing unit (set top box or interactive program box) that would have both a forward and back channel for the purpose of allowing request to go from the local processing unit on the back channel and to receive the request on the forward channel.

Regarding **claim 2**, Harper and Anderson disclose the system of claim 1. Anderson further disclose a system comprising:

A back channel multiplexer for multiplexing said transmitted first audio signal from said local processing unit and a second audio signal from another audio source into a multiplexed signal, and transmitting said multiplexed signal to the back channel. (col. 3, lines 25-35 and lines 41-45 )

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Harper's simulcast of interactive signals of the interactive program box with Anderson's set top terminal for interactive information to provide a local processing unit (set top

box or interactive program box) that would have a back channel multiplexer for multiplexing the audio signal for the purpose of transmitting multiple audio signals on the back channel.

Regarding **claim 4**, Harper and Anderson disclose the system of claim 1. Anderson further discloses wherein said local processing unit comprises:

A sensor interface for receiving the first audio signal; (col. 6, lines 47-48infrared receiver)

A memory for storing software modules; (col. 6, lines 46-47, ROM and RAM)

A processor, upon retrieving and executing said software modules from said memory, (col. 6, line 45) and

A network interface for transmitting said first audio signal via said back channel. (col. 6, lines 50-52, address bus). Anderson does not specifically disclose a verification method of the user.

Harper further disclose a system for verifying whether the first user is entitled to order programming content from the service provider; (col. 3, lines 29-36), even though Harper does not specifically state a system for verifying a user's entitlement to order programming, the examiner takes official notice that there is a method/system for verifying subscribers with the interactive program box who is not authorized to receive particular interactive programs or else all would receive the interactive programs.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Harper's simulcast of interactive signals of the interactive program box with Anderson's set top terminal for interactive information to provide a local processing unit (set top box or interactive program box) that would combine all the components stated in the claim for

the purpose of authenticating a user and transmitting the information to the service provider via the back channel.

Regarding **claim 5**, Harper and Anderson disclose the system of claim 4, Anderson further disclose wherein said local processing unit further comprises:

A filter for filtering background noise from said received first audio signal; (col 6, lines 63-67) and

An encoder for encoding said filtered audio signal. (col. 6, line 63- col. 7, line 4)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Harper's simulcast of interactive signals of the interactive program box with Anderson's set top terminal for interactive information to provide a local processing unit (set top box or interactive program box) that would have both a filter and encoder for the purpose of eliminating other noise and coding the filtered signal.

Regarding **claim 6**, Harper and Anderson disclose the system of claim 4. Harper further disclose wherein said sensor interface receives a video signal (RF wireless link), and said processor extracts visual information of the first user contained in said received video and identifies the first user from said extracted information and said audio signal. (col. 10, lines 18-24 and 33-36)

Regarding **claim 7**, Harper and Anderson disclose the system of claim 1. Anderson further discloses a program control device (remote control) for capturing said first audio signal from the first user, and transmitting said captured first audio signal to said local processing (set top terminal). (col. 2, lines 47-52)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Harper's simulcast of interactive signals of the interactive program box with Anderson's set top terminal for interactive information to provide a program control device (remote control) for capturing the audio signal and transmitting to the local processing unit for the purpose of having a device to transmit the audio signal to the local processing unit.

Regarding **claim 8**, Harper and Anderson disclose the system of claim 7. However, Anderson does not specially teach wherein said program control device comprises a hand held control device. It is well known, however, that a remote control can be hand held. Therefore it would have been obvious to modify the remote control stated by Anderson to become hand held.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Harper's simulcast of interactive signals of the interactive program box with Anderson's set top terminal for interactive information to provide program control device (remote control) that can be hand held for the purpose of easily accessing and transmitting the audio signal to the local processing unit.

Regarding **claim 11**, Harper and Anderson disclose the system of claim 1. Harper further discloses wherein said remote server computer matches the first user from said received first audios signal to a user profile stored in a user database, where said user profile contains audio command patterns and preferences of the first user. (col. 24, lines 12-16)

Regarding **claim 13**, Harper and Anderson disclose the system of claim 1. Anderson further discloses wherein said programming content comprises at least one of web content, video on demand and cable television programming. (col. 1, lines 23-29)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Harper's simulcast of interactive signals of the interactive program box with Anderson's set top terminal for interactive information to provide a local processing unit (set top box or interactive program box) that would provide web content, video on demand and cable television programming for the purpose of having personalized programming.

**Claim 3, 9 and 16** rejected under 35 U.S.C. 103(a) as being unpatentable over Harper and Anderson as applied to claims 1-2 above, and further in view of Reams (U.S. Patent 5,907,793).

Regarding **claim 3**, Harper and Anderson disclose the system of claim 1. Neither Harper or Anderson specifically teach the local processing unit identifying the first user prior to transmitting said first audio signal to the service provider. This however is well known in a similar art, as taught by Reams.

In a similar field of endeavor, Reams teach a telephone-based interactive broadcast or cable radio or television method and apparatus. Reams disclose the system wherein said local processing unit identifies the first user prior to transmitting said first audio signal to the service provider (col. 9, lines 45-48).

It would have been obvious to one of ordinary skill in the art to modify Harper's simulcast of interactive signals with Reams telephone-based interactive broadcast or cable radio or television method and apparatus. Therefore providing the need to identify the first user prior to transmitting the audio signal to the service provider.

It would have also been obvious to modify Anderson's set top terminal for an interactive information distribution system with Reams based on the interactivity. Therefore supplying the need to identify the first user prior to transmitting the audio signal to the service provider.

Regarding **claim 9**, Harper and Anderson discloses the system of claim 7. However Anderson does not specifically disclose wherein the program control device comprises at least one audio sensor.

In a similar related field, Reams disclose having a remote control means coupled to a response means or voice recognition unit or VRU. Reams, however does not specifically state the VRU having an audio sensor. However it is well known that an audio sensor must be present on a VRU to capture voice.

Therefore it would have been obvious to modify the remote control, taught by Anderson to have an audio sensor as the remote control taught by Reams for the purpose of capturing audio in the remote.

**Claim 10** rejected under 35 U.S.C. 103(a) as being unpatentable over Harper, Anderson and Reams as applied to claims 1, 7 and 9 above, and further in view of Terk (U.S. Patent 5,815,108).

Regarding **claim 10**, Harper, Anderson and Reams disclose the system of claim 9. However neither Harper, Anderson or Reams disclose wherein said program control device further comprises a video camera. This system is well known in the art, as taught by Terk.

In a similar field of endeavor, Terk discloses a system wherein said program control device further comprises a video camera. (col. 4, lines 30-35)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Harper, Anderson and Reams to have a remote control with an audio sensor and further modify it with Terk to provide the remote control with a video camera for the purpose providing video to the local processing unit.

Regarding claims 12 and 14-23 are similar in scope to claims 1-6 and claim 13, therefore they are rejected upon the same rationale.

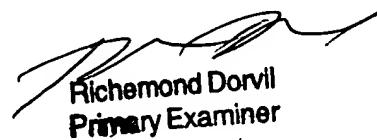
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TREFFANEY R LOWE whose telephone number is 703-305-5593. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JEFFERY HOFFSASS can be reached on 703-305-4717. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-9430 for regular communications and 703-746-9430 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

trl  
June 16, 2003



Richmond Dorvil  
Primary Examiner